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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERASMO MARTINEZ,

Defendant.

Case No. 2:23-mj-00318 PK

COMPLAINT

**SEALED**

Judge Paul Kohler

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Before the Honorable Paul Kohler, United States Magistrate Judge for the District  
of Utah, appeared the undersigned, who on oath deposes and says:

**COUNT I**  
**18 U.S.C. § 922(g)(5)**  
**(Alien in Possession of a Firearm)**

On or about between February 16, 2023 and March 16, 2013, in the District of  
Utah,

ERASMO MARTINEZ,

the defendant, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm, that is a Zastava Z-Pap M70 rifle, and the firearm was in and affecting commerce; all in violation of 18 U.S.C. § 922(g)(5).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

This complaint is based on the following information:

I, Oscar Deleon-Palencia, being first duly sworn, depose and say.

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and a Detective with the West Valley City Police Department. I have been with West Valley since June of 2016. The information contained in this complaint is based on an investigation conducted by your affiant along with other ATF Agents, Task Force Officers, and officers from the West Valley City Police Department (WVCPD).
2. On March 16, 2023, two individuals who drove from Salt Lake City, UT were selected for an inspection by the Eagle Pass Border Patrol Officers at the U.S. Customs and Border Protection Eagle Pass Border Patrol Station located at 2285 Del Rio Blvd, Eagle Pass, TX 78852. From the inspection, officers discovered twenty (20) long guns, fourteen (14) handguns, sixty-eight (68) magazines with assorted ammunition hidden inside three speaker boxes, including the Zastava Z-Pap M70 rifle. In an interview with the two drivers, they told officers that two individuals, who reside in Utah, had instructed and paid them to ship the speaker boxes to Mexico. The drivers stated they had transported speaker boxes on five previous occasions from these same two

individuals to Mexico.

3. ATF agents researched the phone numbers associated with the individuals who had paid for the shipping of the speaker boxes. Based on this research, agents were able to identify the individuals as J.B. and ERASMO MARTINEZ. J.B. and ERASMO MARTINEZ are aliens who are not lawfully in the United States and are therefore restricted people. Based on a records check from U.S. Immigration and Customs enforcement, ERASMO MARTINEZ is a citizen of Mexico and was previously deported to Mexico on May 17, 2013 through the Calexico, CA port of entry.
4. ATF agents investigated this incident through a database that allows law enforcement to track gun histories including the purchase and potential movement of firearms using serial numbers or other identifiers and also through the collection of ATF form 4473s from multiple Federal Firearms Licensees (FFLs). A firearms transaction record or ATF form 4473 is a form prescribed by the ATF which is required to be completed when a person proposes to purchase a firearm from an FFL. The database revealed that two (2) of the thirty-four (34) firearms seized were purchased by OSCAR MARTINEZ, including the Zastava Z-PAP M70 rifle.
5. On March 31, 2023, officers arrested OSCAR MARTINEZ and interviewed him. Post-Miranda, OSCAR MARTINEZ said that he had sold the Zastava Z-PAP M70 rifle, in Utah, to ERASMO MARTINEZ and another individual. Both ERASMO MARTINEZ and the other person gave OSCAR MARTINEZ money for the rifle.

Based on the foregoing information, your affiant respectfully requests that a warrant

of arrest be issued for ERASMO MARTINEZ for violations of 18 U.S.C. § 922(g)(5).

OSCAR DELEON  
PALENCIA (Affiliate)

Digitally signed by OSCAR DELEON  
PALENCIA (Affiliate)  
Date: 2023.04.07 14:09:49 -06'00'

Oscar Deleon-Palencia

Detective, West Valley City Police and Task Force Officer, ATF

SUBSCRIBED AND SWORN to before me this 7th day of April, 2023.

  
Paul Kohler  
United States Magistrate Judge



APPROVED:

TRINA A. HIGGINS  
United States Attorney

Maria Mooers-Putzer

Digitally signed by Maria Mooers-  
Putzer  
Date: 2023.04.07 13:50:20 -06'00'

MARIA D. MOOERS-PUTZER  
Assistant United States Attorney